1995 No. 39

PENSIONS

Pensions Increase (Review) Order (Northern Ireland) 1995

Made . . . . . 17th February 1995

Coming into operation . . 10th April 1995

Whereas by virtue of section 132 of the Social Security Administration (Northern Ireland) Act 1992(**a**) a direction(**b**) has been given by the Department of Health and Social Services that the sums which are the additional pensions in the rate of long-term benefits are to be increased by a specified percentage;

Now, therefore, the Department of Finance and Personnel, in exercise of the powers conferred by Article 69(1), (2), (5) and (5ZA) of the Social Security Pensions (Northern Ireland) Order 1975(**c**) (which has effect as if it were contained in Part I of the Pensions (Increase) Act (Northern Ireland) 1971(**d**) and now vested in it(**e**) and of every other power enabling it in that behalf, hereby makes the following Order.

Citation and commencement

1. This Order may be cited as the Pensions Increase (Review) Order (Northern Ireland) 1995 and shall come into operation on 10th April 1995.

Interpretation

2.—(1) In this Order—

"the Act of 1971" means the Pensions (Increase) Act (Northern Ireland) 1971;

"basic rate" and "derivative pension" have the meanings given by section 15(1)(**f**) of the Act of 1971;

(**a**) 1992 c. 8

(**b**) Contained in S.R. 1994 No. 74

(**c**) S.I. 1975/1503 (N.I. 15); Art. 69 of S.I. 1975/1503 (N.I. 15) amended the Pensions (Increase) Act (Northern Ireland) 1971 (1971 c. 35) (N.I.)), Art. 69(5) was modified in its effect by Art. 69A (inserted by Art. 10(3) of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)). Art. 69 was further amended by S.I. 1979/396 (N.I. 5) Arts. 10(2), 16 and Sch. 3, S.I. 1985/1209 (N.I. 16) Art. 25(2) and Sch. 6, S.I. 1986/1888 (N.I. 18), Arts. 11(8), 19(1)(*b*), 83(1) and Sch. 9, para. 58, S.I. 1990/1509 (N.I. 13) Arts. 3(7) and 7, by section 4 and paragraph 14(19) of Schedule 2 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (1992 c. 9) and by section 184 of and paragraph 15(1) of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (1993 c. 49), Article 69A was amended by S.I. 1986/1888 (N.I. 18) Art. 11(9) and by section 184 of and paragraph 15(2) of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993

(**d**) 1971 c. 35 (N.I.)

(**e**) By S.R. 1976 No. 281 Art. 3 and Sch. 1 and S.I. 1982/338 (N.I. 6) Art. 4

(**f**) As amended by S.I. 1974/1267 (N.I. 2) Arts. 3(3) and 5(3)(*b*) and S.I. 1990/1509 (N.I. 13) Art. 3(6)

"existing Orders" means the Orders referred to in the Schedule;

"official pension" has the meaning given by section 5(1) of the Act of 1971;

"the Order of 1975" means the Social Security Pensions (Northern Ireland) Order 1975;

"pension authority" has the meaning given by section 7(1) of the Act of 1971;

"qualifying condition" means one of the conditions laid down in section 3 of the Act of 1971(**a**);

"relevant injury pension", "substituted pension" and "widow's pension" have the meanings given by section 15(1) of the Act of 1971.

(2) For the purpose of this Order the time when a pension "begins" is that stated in section 8(2) of the Act of 1971(**b**).

(3) Where, for the purposes of this Order, it is necessary to calculate the number of complete months in any period an incomplete month shall be treated as a complete month if it consists of at least 16 days.

Increases in certain pensions

3.—(1) The annual rate of an official pension may, if a qualifying condition is satisfied or the pension is a derivative or substituted pension or a relevant injury pension, by increased as set out in paragraphs (2) and (3) by the pension authority in respect of any period beginning on or after 10th April 1995.

(2) A pension beginning before 11th April 1994 may be increased by 2·2 per cent of the basic rate as increased by the amount of any increase under section 1 of the Act of 1971 or the existing Orders.

(3) A pension beginning on or after 11th April 1994 and before 10th April 1995 may be increased by 2·2 per cent multiplied by $\frac{A}{B}$

where A is the number of complete months in the period between the beginning of the pension and 9th April 1995 and B is 12.

Increase in certain lump sums

4. In respect of any lump sum or instalment of a lump sum which became payable before 10th April 1995 but after 10th April 1994 there may be paid an increase of 2·2 per cent of the amount of the lump sum or instalment (as increased by the amount of any increase under section 1 of the Act of 1971 or under the existing Orders) multiplied by $\frac{A}{B}$

(**a**) As amended by S.R. & O. (N.I.) 1972 No. 264. S.I. 1974/1267 (N.I. 2) Art. 5(2) and (3), S.I. 1987/2203 (N.I. 22) Art. 72(3) and Sch. 5 Part I and S.I. 1990/1509 (N.I. 13) Art. 3

(**b**) As amended by S.I. 1990/1509 (N.I. 13) Art. 3(5)

where:

(*a*) A is the number of complete months in the period between the beginning date for the lump sum (or, if later, 11th April 1994) and the date on which it became payable; and

(*b*) B is 12.

Reduction in respect of guaranteed minimum pensions

5. Where—

(i) a person is entitled to a guaranteed minimum pension on 10th April 1995 and

(ii) entitlement to that guaranteed minimum pension arises from an employment from which (either directly or by virtue of the payment of a transfer credit) entitlement to the official pension also arises;

the amount by reference to which any increase in the rate of an official pension provided for by this Order is to be calculated shall be reduced by an amount equal to the rate of the guaranteed minimum pension unless the Department of Finance and Personnel(**a**) in accordance with the provisions of Article 69A(**b**) of the Order of 1975, otherwise directs.

6. The amount by reference to which any increase in the rate of a widow's or widower's pension provided for by this Order is to be calculated shall, where the pensioner becomes entitled on the death of the deceased spouse to a guaranteed minimum pension, be reduced in accordance with Article 69(5ZA)(**c**) of the Order of 1975.

Sealed with the Official Seal of the Department of Finance and Personnel on 17th February 1995.

(L.S.) *J. H. Caldwell*
Assistant Secretary

(a) *See* S.I. 1982/338 (N.I. 6) Art. 4
(b) Inserted by S.I. 1979/396 (N.I. 5) Art. 10(3)
(c) Inserted by S.I. 1990/1509 (N.I. 13) Art. 7(1)